

Application No. 10/822,642

REMARKS

Claims 20, 22-26 and 28-38 are pending. Applicants comment on remarks in the Advisory Action of January 12, 2006. Applicants thank the examiner for the quick response to the Amendment After Final and the clear comments in the Advisory Action.

The Examiner stated in the Advisory Action that "those comments [on the coverage of 'metal'] do not address the basis for the 112-2nd rejection as set forth in the rejection-thus it is deemed that applicant could not find any error in the rejection-thus it is deemed the rejection is still proper." With all due respect, we could not identify a 112 second paragraph rejection in the Final Office Action of November 9, 2005. If there were, we would be happy to discuss such a rejection. The rejection under 112, first paragraph was addressed in the Response After Final to be entered with the filing of this RCE.

The Examiner further suggested that Applicants are asserting that metal is intended to cover non-metals. Unfortunately, the terminology in the art is not perfect. In the chemical arts, one has to refer to the elements that are combined within a composition. Thus, organic compounds contain the element carbon, but carbon is not in its elemental form, which can be graphite, diamond or amorphous carbon. Thus, for example, transition metals form compositions which are not metallic in nature, but the elements are referred to as being metal elements due to their position in the periodic table. For example, iron oxide is not metallic, but it does contain the element iron which is a metal element due to being a transition metal on the periodic table of elements. All of the metal elements can be grouped together due to their tendency to form positive ions within compositions, while non-metal elements, such as oxygen, sulfur, nitrogen, etc., tend to form negative ions in compositions.

Applicants have amended the claims to clarify the nature of the compositions with respect to their involving a metal element within the composition. Applicants would be happy to entertain alternative wording suggestions from the Examiner. However, it is clear that

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Applicants intend to cover compositions that include an element that is a metal element due to its position in the periodic table and not due to the composition itself being a metal.

The Examiner further asserted that "Applicant [sic] arguments only points to particular portions of the disclosure - but the claims have to be interpreted in light of the entire disclosure." With all due respect, in pointing to particular portions of the disclosure, Applicants were noting support for a particular interpretation based on the specification. Applicants were not ignoring any portion of the specification. Applicants desired claim interpretation is well supported by the specification. If the Examiner prefers alternative wording to express this, Applicants would appreciate a call to their undersigned representative to discuss the claim wording.

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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